

### REMARKS

This application has been reviewed in light of the Office Action dated January 29, 2003. Claims 14-21, 23, 28, and 30-32 are pending in this application. Claims 14 and 28, which are the independent claims, have been amended to include a slight variation of one of the limitations of Claim 23, which depends from Claim 14. The other amendments to Claims 14-17, 19, 23, and 28 affect matters of form only and do not, in any way, narrow the scope of any of these claims. Favorable reconsideration is requested.

Claims 14-18, 20, 21, 23, 28, and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,247,330 (Ohyama et al.) in view of U.S. Patent No. 5,631,699 (Saito), U.S. Patent No. 5,940,128 (Morimura), and U.S. Patent No. 4,939,580 (Ishikawa et al.). Claim 19 was rejected under Section 103(a) as being unpatentable over these references and further in view of European Patent Application No. 0 617 562 (Mizoguchi et al.). Applicant respectfully traverses these rejections and submits that amended independent Claims 14 and 28, together with the remaining dependent claims, are patentably distinct from the proposed combination of the cited prior art for at least the following reasons.

### RECITATION OF CLAIM LANGUAGE

Claim 14 requires an image input device for picking up an image of one or more subjects by switching an image pickup direction, the image input device including an image pickup unit, an image pickup direction switch, a mount table, an angle detection unit, and a control unit. The image pickup unit is adapted to pick up an image of a subject and to output an image signal corresponding to the picked-up image. The image pickup direction switch is

adapted to switch the image pickup direction of the image pickup unit. The mount table is for laying a subject thereon, wherein the image pickup direction switch is adapted to switch the image pickup direction of the image pickup unit between a direction for picking up an image of the subject laid on the mount table and a direction for picking up an image of a subject not on the mount table. The angle detection unit is adapted to detect a change of an angle of the image pickup direction. And, the control unit is adapted to automatically store an image signal in a storage unit according to a change of an angle of the image pickup direction detected by the angle detection unit.

A notable feature of Claim 14 is the control unit adapted to automatically store an image signal in a storage unit according to a change of an angle of the image pickup direction detected by the angle detection unit. Support for this feature can be found in the specification at least at page 13, lines 8-22, which is described in reference to Figures 4, 6(A), and 6(B). This portion of the specification states, in part, that

[i]n a document image pickup operation, a document camera angle detection switch 26a is turned on . . . . In a person image pickup operation, a person camera angle detection switch 26b is similarly turned on . . . . Since the controller 10 can thus judge the image pickup state . . . it can store an image of a document . . . in an image memory 40 just before the document image pickup state is switched to the person image pickup state.

In other words, an image of a document is automatically stored when the angle of the image pickup direction is changed from a document imaging state to a person imaging state. In a videoconferencing situation, this allows the user to display the stored document image, while simultaneously displaying an image of the person who is currently talking, such as in a picture-

in-picture mode. (See page 9, line 14, to page 10, line 5). (It is to be understood, of course, that the scope of Claim 14 is not limited to the details of this embodiment, which is referred to only for purposes of illustration.)

#### APPLICANT'S TRAVERSAL OF THE § 103(a) REJECTIONS AS IMPROPER

Applicant traverses the obviousness rejections as improper for failing to establish a motivation to modify or combine these references. "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). M.P.E.P. § 2143.01 states that when proposing modifications of references, the proposed modification cannot render the prior art unsatisfactory for its intended purpose.

As a disclosure of Claim 14's control unit, discussed above, it is stated in the Office Action that Morimura teaches automatic storage of an image signal and that Ishikawa et al. teaches that video output is inhibited during camera movement. It is then concluded in the Office Action that it would be obvious to modify the device in Ohyama et al., Saito, and Morimura by the teachings of Ishikawa et al. in order to only store image signals when a change has been detected. (See page 4 of the Office Action).

Contrary to the reasoning set forth in the Office Action, it is Applicant's understanding that it would not be obvious to modify the device of Saito by the teachings of Ishikawa et al. because doing so would render Saito unsatisfactory for its intended purpose. It is stated in the Office Action that Ishikawa et al. teaches video output inhibition during camera movement. However, Saito relates to a video camera for photographing that can be used when

secured to a mount or when separated from the mount. (See col. 2, lines 2-27). Presumptively, using the photographing camera of Saito in its separated state would naturally involve camera movement, a situation where inhibition of video output would be unsatisfactory for the camera's intended purpose. Therefore, Applicant believes that modifying the device of Saito by the teachings of Ishikawa et al. would render Saito unsatisfactory for its intended purpose.

Further, Applicant believes that modifying Saito by the teachings of Morimura would also render Saito unsatisfactory for its intended purpose. Morimura relates to recording an image of an obliquely placed document, processing the image to correct the document's oblique alignment, and then outputting the properly aligned image. (See col. 4, lines 17-54 and Figures 5 and 6). In relation to automatic storage of an image signal, Morimura states that "[w]hen the original 4 is placed on the base 1, an image of the original 4 is picked up by the video camera 3 (S11), and the obtained image information is memorized in the first frame memory 5 (S12)." (Col. 4, lines 19-22). It seems that when using the photographing camera of Saito in its separated state, automatic image recording of the type disclosed in Morimura, would not allow the user adequate time to set up their photographs, i.e., the automatic storing of Morimura is not understood to allow significant time for the user to set up the camera and subject before performing automatic storing. Therefore, Applicant believes that modifying Saito by the teachings of Morimura would render Saito unsatisfactory for its intended purpose.

For these reasons, Applicant submits that the combination of Ohyama et al., Saito, Morimura, and Ishikawa et al. is improper, and respectfully requests withdrawal of the corresponding Section 103(a) rejection. Since the same references were combined for the

obviousness rejections of each of the other claims, withdrawal of their corresponding Section 103(a) rejections is also respectfully requested.

REGARDLESS OF THE PROPRIETY OF THE § 103(a) REJECTIONS,

THE CLAIMS ARE STILL PATENTABLE

Even if the proposed combination of the above cited references is deemed to be permissible, Applicant submits that independent Claims 14 and 28, together with the remaining dependent claims, are patentably distinct from the proposed combination of the cited prior art for at least the following reasons.

Applicant will first address the Section 103(a) rejection of independent Claim 14, and then will address the Section 103(a) rejections of the remaining claims.

Notable features of Claim 14, other than the control unit discussed above, include the mount table for laying a subject thereon, wherein the image pickup direction switch is adapted to switch the image pickup direction of the image pickup unit between a direction for picking up an image of the subject laid on the mount table and a direction for picking up an image of a subject not on the mount table. Support for this feature can be found in the specification at least at page 13, lines 8-22, which describes how the image input device can pickup up an image of a document laid on a mounting table, and can also pick up an image of a person, or subject, away from the mounting table. (As stated earlier, it is to be understood that the scope of Claim 14 is not limited to the details of this embodiment, which is referred to only for purposes of illustration.)

In rejecting Claim 14, the Office Action refers, in part, to Figure 1 of Ohyama et al. In particular, the Office Action states that Ohyama et al. discloses “an image pickup direction switch, disclosed as button 12 (figure 1, column 4, lines 34-40) . . . [and a] mount table as original pedestal 5 in figure 1.” (See page 3 of the Office Action). However, column 4, lines 34-38 of Ohyama et al. merely state that “the button ‘A’ 12 is operated to rotate the camera unit 2 in the direction indicated by arrow a, and the button ‘B’ 13 is operated to rotate the upper frame 3 in the direction indicated by arrow c, to thereby set the camera unit 2 to *a close-up position*.” (emphasis added). In other words, the pressing of the buttons 12 and 13 are disclosed only to move the camera unit 2 closer to the original pedestal 5, i.e., to manually zoom in on a document placed on the original pedestal 5. Ohyama et al. does not disclose the use of the buttons 12 and 13 to allow the camera unit 2 to image a subject not on the mount table (original pedestal 5). In contrast, the invention recited in Claim 14 uses a direction switch to allow the image pickup unit to image a subject on the mount table, or a subject not on the mount table. Therefore, it is believed that nothing in Ohyama et al. would teach or suggest to a person having ordinary skill in the relevant art, the mount table for laying a subject thereon, wherein the image pickup direction switch is adapted to switch the image pickup direction of the image pickup unit between a direction for picking up an image of the subject laid on the mount table and a direction for picking up an image of a subject not on the mount table, as recited in Claim 14.

Applicant submits that the proposed combination of Ohyama et al., Saito, Morimura, and Ishikawa et al., assuming such combination would even be permissible, would still fail to teach or suggest the mount table for laying a subject thereon, wherein the image pickup direction switch is adapted to switch the image pickup direction of the image pickup unit

between a direction for picking up an image of the subject laid on the mount table and a direction for picking up an image of a subject not on the mount table, as recited in Claim 14. Accordingly, Applicant submits that Claim 14 is patentable over these references, taken separately or in any proper combination, and respectfully requests withdrawal of the corresponding Section 103(a) rejection.

Independent Claim 28 includes the feature of switching the image pickup direction between a direction for picking up an image of a subject laid on a mount table and a direction for picking up an image of a subject not on the mount table, similar to that just discussed in connection with Claim 14, and is believed to be patentable for at least the same reasons. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of Claim 28.

A review of the other art of record has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and the allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
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